

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF ALABAMA

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May 23, 2008

NOTICE OF CORRECTION

From: Clerk's Office

Case Style: Hopper v. Graham

Case Number: 2:07cv00457-MEF

This Notice of Correction was filed in the referenced case this date to attach the correct PDF document previously attached to include the electronic signature and the PDF document of Exhibit A.

The correct PDF documents are attached to this notice for your review. Reference is made to document # 30 filed on May 23, 2008.

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

VIRGINIA HOPPER,)	
)	
)	
Plaintiff,)	
vs.)	CIVIL ACTION NUMBER:
)	2:07cv457-MEF
JACKIE GRAHAM, ET.AL.)	
)	
Defendants.)	

MOTION TO QUASH SUBPOENA

COMES NOW a non-party Alabama Psychiatric Services, P.C. and moves this Honorable Court for an Order directing that the records and/or oral testimony of the non-party as they pertain to **VIRGINIA HOPPER** remain confidential and that this Honorable Court issue an Order quashing the subpoena served upon the Movant requesting medical/psychiatric records related to the foregoing individual and for grounds would show as follows:

1. That your movant is not a party to this action and is a mental health services provider.
2. That pursuant to § 34-26-2, Code of Alabama, (1975); the Health Insurance Portability and Accountability Act of 1996, (HIPPA); and the psychotherapist privilege afforded by the United States Supreme Court to licensed psychiatrists in the case of Jaffe v. Redmond, 518 U.S. 1, 15, 135 L.Ed. 2d 337, 116 S.Ct. 1923 (1996), the records and testimony requested in this case contain information gathered pursuant to the movant's treatment and

Page Two
Motion To Quash
2:07-cv0457-MEF

assessment of **VIRGINIA HOPPER** and is therefore confidential
information and is not subject to disclosure.

WHEREFORE, PREMISES CONSIDERED, your movant requests that this
Honorable Court issue an Order quashing that certain subpoena served upon the movant
in this case which is attached herewith as Exhibit A.

/s/Stephen B. Griffin
Stephen B. Griffin
Attorney for the Movant
ASB-9998-F64S
E-mail:

OF COUNSEL:

Stephen B. Griffin & Associates
2100 River Haven Drive, Suite #1
Hoover, AL 35244-2532
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E-mail: steveg@griffin-assoc.com

CERTIFICATE OF CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion has been served upon counsel
of record by electronic means this the 23rd day of May, 2008.

/s/Stephen B. Griffin
Of Counsel

Subpoena (Rev. 12/07) Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT

VIRGINIA HOPPER
V.
JACKIE GRAHAM, ET AL.

SUBPOENA IN A CIVIL CASE

Case Number:¹ 2:07CV457MEF

TO: Mark K. Poff, M.D.
Alabama Psychiatric Services
5908 Carmichael Place
Montgomery, Alabama 36117

☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
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☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

SEE ATTACHED

PLACE SEE ATTACHED	DATE AND TIME 6/5/2008 10:04 am
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☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rule of Civil Procedure 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT) <i>Joana S. Ellis</i> Attorney for Defendants	DATE 05-19-08
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ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Joana S. Ellis, Esq., Alabama State Personnel Department, 64 N. Union Street, Montgomery, AL 36130;
(334) 353-0046

(See Federal Rule of Civil Procedure 45 (c), (d), and (e), on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

Received Time May.21. 4:41PM

DEFENDANT'S EXHIBIT	
CASE NO.	
EXHIBIT NO.	A

